

APPENDIX 5

WELLINGTON CONSOLIDATED BYLAW 2008 PART 4 – LIQUOR CONTROL

Part 4: Liquor Control

1. Purpose

This part of the bylaw prohibits the consumption and possession of liquor in all public places at all times. It applies to all public places in the Wellington Central Area, Oriental Bay, Mt Victoria lookout, Aro Valley, Central Park, Mt Cook and Newtown (the control area) and is shown on the attached map. The bylaw includes a process to obtain prior written permission from the Council to authorise activities that would otherwise breach the bylaw. The Council will erect signage to communicate the terms of the bylaw to the public.

Liquor Ban Area Map

The purpose of this bylaw is to address concerns relating to potential offending and safety concerns that are linked to the possession or consumption of liquor in public places. By imposing this ban, the consumption of liquor in the control area should primarily be restricted to private residences or licensed premises.

The bylaw is introduced pursuant to s147 of the Local Government Act 2002 - this section should be read together with this part of the bylaw as it contains relevant definitions and the situations when this bylaw control will not apply (particularly relating to the transportation of unopened liquor). Pursuant to s169 and s170 of the Local Government Act 2002, the Police can enforce this part of the bylaw. Further details on the statutory provisions are provided as a note at the end of this part of the bylaw.

2. Exclusions

The prohibition on the consumption or possession of liquor in a public place in Wellington City does not apply to:

- a. Any area that is subject to a road encroachment licence issued by the Council;
- b. Any licensed premises that occupies a paved area on legal road or Council land where permission to occupy has been granted by the Council including any public place for which there is a liquor licence at that time and that liquor licence allows the consumption of liquor in that location.

3. Liquor Prohibition

- 3.1 The consumption or possession of liquor in any public place (including while in a vehicle), is prohibited within the Wellington Central Area, Oriental Bay, Mt Victoria Lookout, Aro Valley, Central Park, Mt Cook and Newtown (the control area) and is the area inside the boundaries depicted in the attached map. This prohibition is effective at all times.

4. Council Permission

- 4.1 Any person may apply to the Council for prior written permission for any activity that would be in breach of any prohibition under this part of the bylaw.
- 4.2 The process for obtaining the Council's permission is outlined in Part 1 (Introduction) of this bylaw. Fees may be prescribed for processing these permissions, as set out in Part 1 of this bylaw (clause 1.6.1).

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5. Signage

- 5.1 The Council will erect signage within public places covered by this bylaw to provide information to the public on the terms of the bylaw. The size, location and terms of this signage shall be at Council's discretion. To avoid any doubt, the absence of signage in any public place does not authorise breach of this part of the bylaw.

6. Offences

- 6.1 Everyone commits an offence who:
- a. Consumes or possesses any liquor in a public place in breach of a prohibition under this part of the bylaw; and
 - b. Breaches, or permits a breach of, the terms of any Council permission granted pursuant to clause 4 of this bylaw.

Note:

This bylaw is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for bylaws for liquor control purposes. This bylaw does not repeat or paraphrase those statutory provisions, and accordingly those provisions should be read in conjunction with this bylaw. In particular, the following provisions are noted:

Section 147 empowers the Council to make this bylaw. It also defines 'liquor' and 'public place'. In addition, s147 (3) sets out a number of specific exemptions when the bylaw will not apply with respect to the transportation of unopened bottles or containers.

Section 169 provides the Police with powers of search and seizure, without warrant, to enforce the bylaw. The Police are responsible for enforcing the bylaw.

Section 170 sets out certain conditions imposed on the Police powers of search under s169.

This bylaw has no effect on any other Police powers of search, seizure and arrest or any other statutory offences.

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